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**UNITED STATES DISTRICT COURT**

FOR THE SOUTHERN DISTRICT OF NEW YORK

FIRSTBANK PUERTO RICO,

Plaintiff,

-against-

BARCLAYS CAPITAL, INC.,

Defendant.

**09 CV 10317**

Civil Action No.

**JUDGE DANIELS**

**SUMMONS IN A CIVIL ACTION**

TO: Barclays Capital, Inc.  
200 Park Avenue  
New York, NY 10166

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeffrey A. Mitchell, Esq.  
Gibbons P.C.  
One Pennsylvania Plaza, 37<sup>th</sup> Floor  
New York, New York 10119-3701

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the Court.

**L. MICHAEL**  
**CLERK OF COURT**

**ION**

Date: December 21, 2009

*Catherine Lapley*  
Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FIRSTBANK PUERTO RICO,

Plaintiff,

-against-

BARCLAYS CAPITAL, INC.,

Defendant.

Civil Action No. 09-cv-10317

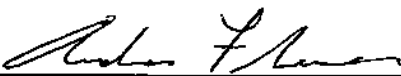
**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                  ):ss:  
COUNTY OF NEW YORK    )

Andres Flores, being duly sworn, deposes and says:

I am over eighteen years of age, not a party to this action, and reside in the State of New York. On December 21, 2009, I served true copies of the *Civil Cover Sheet*, *Summons*, *Complaint* and *Rule 7.1 Disclosure Statement* in the above-captioned action, along with a copy of Judge Daniels' rules, on Barclays Capital, Inc. by hand delivering same to Daniel W. Hartman, an analyst for Barclays Capital Inc. authorized to accept service of legal papers, at 745 Seventh Avenue, New York, New York 10019.

Mr. Hartman is Caucasian, 25-30 years old, approximately 5'8" and 170 lbs, with brown eyes and dark brown hair.

  
\_\_\_\_\_  
Andres Flores

So sworn before me this  
22<sup>nd</sup> day of December, 2009

  
\_\_\_\_\_  
Notary Public

MARTIN BRECH  
Notary Public, State of New York  
No. 4977428  
Qualified in Putnam County  
Commission Expires April 20, 2011